

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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DEC 27 2004

Federal Communications Commission
Office of Secretary

In the Matter of

Request of Limited Modification of
LATA Boundaries to Provide ELCS
Between the Luling Exchange
and the Bastrop, Lockhart, and
San Marcos Exchanges.

File No.

VIC Docket No. 05-2

**PETITION OF SOUTHWESTERN BELL TELEPHONE, L.P. FOR MODIFICATION
OF A LATA BOUNDARY IN TEXAS**

I. INTRODUCTION

Southwestern Bell Telephone, L.P. d/b/a SBC Texas (SBC), pursuant to Section 3(25) of the Communications Act of 1934, as amended,¹ and in accordance with the guidelines established in the Commission's Memorandum Opinion and Order (MO&O) released July 15, 1997 in CC Docket No. 96-159,² hereby submits an application for a limited modification of LATA boundaries to provide Expanded Local Calling Service ("ELCS") between the Luling and Bastrop, Lockhart, and San Marcos exchanges in Texas.

II. SUPPORTING INFORMATION

As required by paragraph 23 of the aforementioned MO&O, SBC provides the following information in support of its application:

1. Type of service: Flat-rate, non-optional Expanded Local Calling Service (ELCS);
2. Direction of service: Two-way;
3. Exchanges involved: Luling in the San Antonio LATA and Bastrop in the Austin LATA, and Lockhart in the Austin LATA, and San Marcos in the Austin LATA;

¹ The Communications Act of 1934, as amended, 47 U.S.C. *et al.*

² *Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, Memorandum Opinion and Order, CC Docket No. 96-159, 12 FCC Rcd 10646 (1997).

4. Name of carriers: Luling of Southwestern Bell Telephone, L.P. d/b/a SBC Texas, and Bastrop of Southwestern Bell Telephone, L.P. d/b/a SBC Texas, and Lockhart of Southwestern Bell Telephone, L.P. d/b/a SBC Texas, and San Marcos of CenturyTel of San Marcos, Inc.;
5. State commission approval(s): See Attachment A;
6. Number of access lines or customers:
The Luling exchange has 2,398 access lines, the Bastrop exchange has 14,571 access lines, the Lockhart exchange has 8,336 access lines, and the San Marcos exchange has 25,017 access lines;
7. Usage data: Usage data is not available to SBC. SBC does not currently carry traffic across LATA boundaries;
8. Poll results: Percentage of Luling customers returning ballots who voted in favor of ELCS to Bastrop: 82.63, percentage of Luling customers returning ballots who voted in favor of ELCS to Lockhart: 87.65, percentage of Luling customers returning ballots who voted in favor of ELCS to San Marcos: 86.82. Where SBC is the petitioning exchange, there is no proposed rate increase. Where SBC is not the petitioning exchange, SBC does not have information as to any proposed rate increase.
9. Community of interest statement: The Public Utility Commission of Texas includes a Community of Interest Finding in their Order(s). See Attachment A.
10. Map: See Attachment B; and,
11. Other pertinent information: None

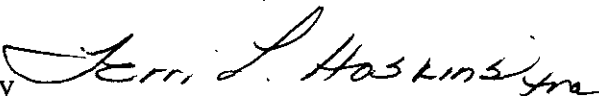
III. *PRIMA FACIE* SHOWING

SBC believes that it has made a *prima facie* case supporting grant of the proposed modification because the instant ELCS petition (1) has been approved by the state commission; (2) proposes only traditional local service (i.e., flat-rate, non-optional ELCS); (3) indicates that the state commission found a sufficient community of interest to warrant such service; (4) documents this community of interest through such evidence as poll results and descriptions of the communities involved; and, (5) involves a limited number of customers or access lines.

IV. CONCLUSION

Wherefore, SBC requests that the Commission approve its application for a limited modification of LATA boundaries to provide ELCS between the Luling exchange and the Bastrop, Lockhart, and San Marcos exchanges.

Respectfully submitted,
SOUTHWESTERN BELL TELEPHONE, L.P. D/B/A
SBC TEXAS

By 

Terri L. Hoskins
Gary L. Phillips
Paul Mancini

Southwestern Bell Telephone, L.P. d/b/a SBC Texas
1401 I Street, NW
Suite 400
Washington, DC 20005
(202) 326-8893 - telephone
(202) 408-8763 - fax

Its Attorneys

December 27, 2004

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PETITION FOR EXPANDED LOCAL § PUBLIC UTILITY COMMISSION
CALLING SERVICE FROM THE LULING §
EXCHANGE TO THE EXCHANGES OF § OF TEXAS
BASTROP, LOCKHART, AND SAN MARCOS §

INTERIM ORDER

1. On April 22, 2004, subscribers of the Luling Exchange filed a petition for Expanded Local Calling Service (ELCS) requesting non-optional, two-way, flat rate calling to the exchanges of Bastrop, Lockhart, and San Marcos.
2. The processes for petitioning and balloting included notice that if service to the exchanges of Bastrop, Lockhart, and San Marcos is approved by ballot, an additional monthly fee of up to \$3.50 per residential line and \$7.00 per business line would apply on a non-optional basis.
3. The Luling Exchange is in the San Antonio Local Access and Transport Area (LATA) and is served by Southwestern Bell Telephone Company, d/b/a SBC Texas, Inc. (SBC). The petitioned exchanges of Bastrop and Lockhart are in the Austin LATA and are served by SBC. The petitioned exchange of San Marcos is in the Austin LATA and is served by CenturyTel.
4. An affirmative vote of 82.63 percent of Luling Exchange subscribers responding to the ballot favored expanded the local calling scope to include the Bastrop Exchange.
5. An affirmative vote of 87.65 percent of Luling Exchange subscribers responding to the ballot favored expanded the local calling scope to include the Lockhart Exchange.
6. An affirmative vote of 86.82 percent of Luling Exchange subscribers responding to the ballot favored expanded the local calling scope to include the San Marcos Exchange.

7. On July 15, 1997, the Federal Communications Commission (FCC) issued an order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), providing a procedure for requesting a limited LATA boundary modification.
8. Utilizing vertical and horizontal (V&H) geographic coordinates of the central switching offices pursuant to 16 T.A.C. § 23.49(c)(3)(B)(i), the central office of the petitioned exchange of Bastrop is 35.60 miles from the petitioning exchange and the central office.
9. Utilizing vertical and horizontal (V&H) geographic coordinates of the central switching offices pursuant to 16 T.A.C. § 23.49(c)(3)(B)(i), the central office of the petitioned exchange of Lockhart is 14.29 miles from the petitioning exchange and the central office.
10. Utilizing vertical and horizontal (V&H) geographic coordinates of the central switching offices pursuant to 16 T.A.C. § 23.49(c)(3)(B)(i), the central office of the petitioned exchange of San Marcos is 22.51 miles from the petitioning exchange and the central office.
11. In addition to satisfying the geographic requirement of the Texas Public Utility Commission rules that the central switching office for a petitioned exchange be less than 50 miles from the petitioning exchange, statements attesting to the existence of a community of interest between the petitioning and petitioned exchange were filed on April 22, 2004, for the petitioned exchanges of Bastrop, Lockhart, and San Marcos.
12. The Bastrop Exchange serves as a business center for Luling. Luling is the location of a hospital and other medical facilities not available in Bastrop.
13. The Lockhart Exchange is the county seat for the Luling Exchange. Doctors located in Luling provide medical care for Lockhart residents.

14. The San Marcos Exchange serves as a business center for Luling. San Marcos is one of the nearest locations for continuing education for Luling subscribers. The Agriculture and Oil industries located in the Luling Exchange have a strong need for contact with government offices and educational facilities located in the San Marcos Exchange.

15. Based on the statement referenced in Finding of Fact No. 10, there is a community of interest between the petitioning Luling Exchange and the petitioned exchange of Bastrop.

16. Based on the statement referenced in Finding of Fact No. 11, there is a community of interest between the petitioning Luling Exchange and the petitioned exchange of Lockhart.

17. Based on the statement referenced in Finding of Fact No. 12, there is a community of interest between the petitioning Luling Exchange and the petitioned exchange of San Marcos.

Ordering Paragraphs

In accordance with the findings of fact, the Commission issues the following Interim Order:

1. Petitioners from the Luling Exchange have shown a community of interest with the exchanges of Bastrop, Lockhart, and San Marcos.

2. SBC is directed to file a request for a limited modification of the LATA boundary in accordance with the procedures outlined in the FCC order, *In the Matter of Petitions for Limited Modification of LATA Boundaries to Provide Expanded Local Calling Service (ELCS) at Various Locations*, CC Docket No. 96-159, FCC 97-244, (rel. July 15, 1997) (*Memorandum Opinion and Order*), ¶¶ 23 & 24 by December 30, 2004.

3. Within ten (10) days of the receipt of an Order or Notice from the FCC relating to this petition, SBC is directed to file such Order or Notice in this docket.

SIGNED AT AUSTIN, TEXAS the 8th day of November 2004.

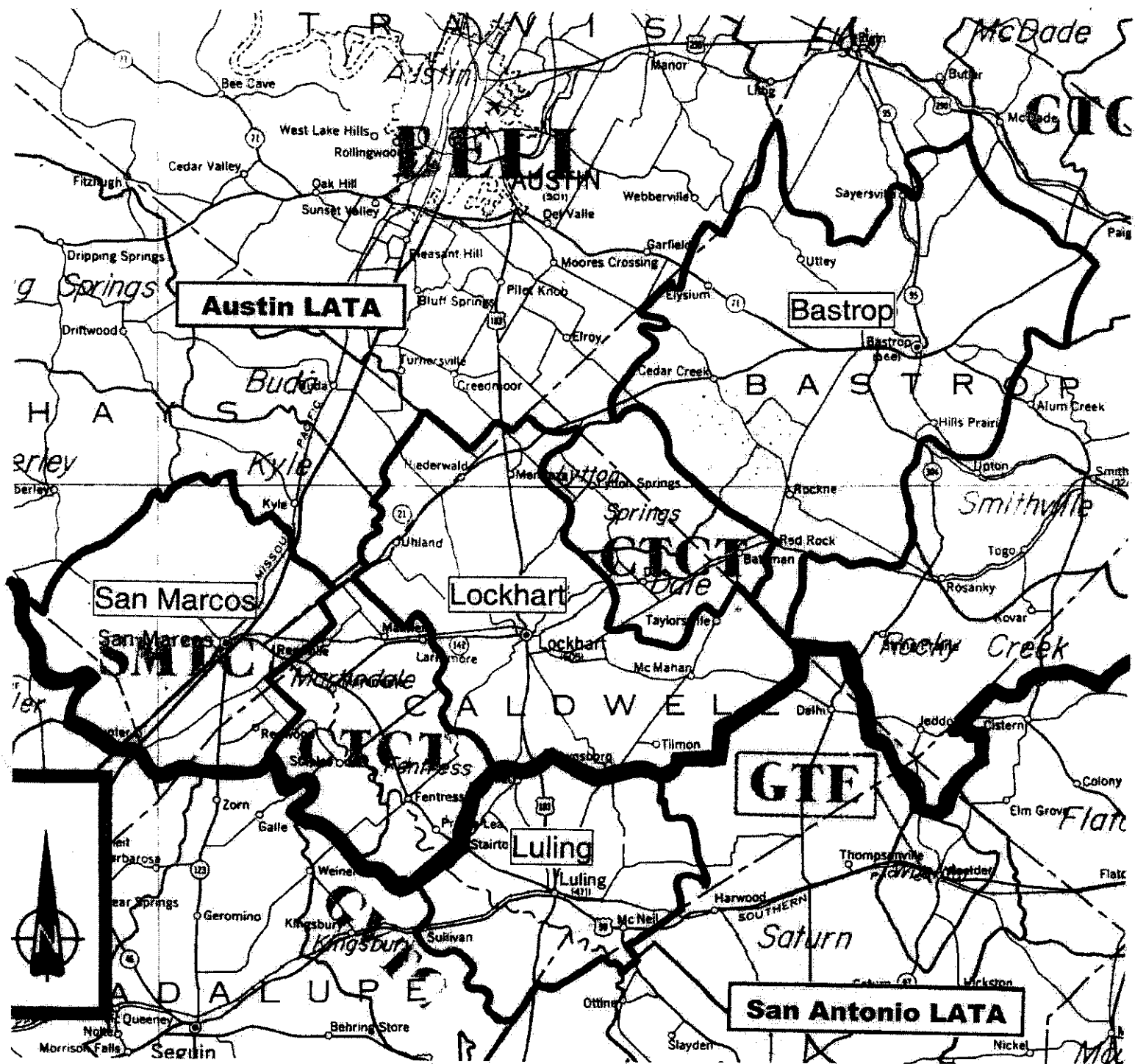
PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in cursive script, appearing to read "Irene Montelongo", is written over a horizontal line.

IRENE MONTELONGO
ADMINISTRATIVE LAW JUDGE
POLICY DEVELOPMENT DIVISION

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Luling to Bastrop, Lockhart, and San Marcos



Scale:
1 inch = approx. 7 miles